



**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 463**

November 5, 1997 - Offered by Representative LADWIG.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 21, line 17: after that line insert:

3 **“SECTION 54d.** 48.20 (2) (ag) of the statutes is amended to read:

4 48.20 (2) (ag) Except as provided in pars. (b) to ~~(d)~~ (e), a person taking a child
5 into custody shall make every effort to release the child immediately to the child’s
6 parent, guardian or legal custodian.

7 **SECTION 54m.** 48.20 (2) (e) of the statutes is created to read:

8 48.20 (2) (e) If the child is an expectant mother who was taken into custody
9 under s. 48.19 (1) (cm) or (d) 8., but if after investigation it appears that the child’s
10 pregnancy has not reached the stage of viability, the person who took the child into
11 custody shall release the child as provided in pars. (ag) to (d) after counseling the
12 child as appropriate, offering to provide appropriate services for the child or to make

1 arrangements for the provision of those services and warning the child that if after
2 viability the child meets the grounds specified in s. 48.133, a petition may be filed
3 under s. 48.133 alleging that the unborn child of the child is in need of protection or
4 services.

5 **SECTION 54r.** 48.20 (3) of the statutes is amended to read:

6 48.20 (3) If the child is released under sub. (2) (b) to ~~(d)~~ (e), the person who took
7 the child into custody shall immediately notify the child’s parent, guardian and legal
8 custodian of the time and circumstances of the release and the person, if any, to whom
9 the child was released. If the child is not released under sub. (2), the person who took
10 the child into custody shall arrange in a manner determined by the court and law
11 enforcement agencies for the child to be interviewed by the intake worker under s.
12 48.067 (2), and shall make a statement in writing with supporting facts of the reasons
13 why the child was taken into physical custody and shall give any child 12 years of
14 age or older a copy of the statement in addition to giving a copy to the intake worker.
15 When the intake interview is not done in person, the report may be read to the intake
16 worker.”.

17 **2.** Page 22, line 9: after that line insert:

18 “**SECTION 56g.** 48.20 (7) (bm) of the statutes is created to read:

19 48.20 (7) (bm) If, after investigation, the intake worker determines that the
20 pregnancy of a child expectant mother who has taken into custody under s. 48.19 (1)
21 (cm) or (d) 8. has not reached the stage of viability, the intake worker shall release
22 the child expectant mother as provided in par. (c) after counseling the child expectant
23 mother as appropriate, offering to provide appropriate services for the child
24 expectant mother or to make arrangements for the provision of those services and

1 warning the child expectant mother that if after viability the child expectant mother
2 meets the grounds specified in s. 48.133, a petition may be filed under s. 48.133
3 alleging that the unborn child of the child expectant mother is in need of protection
4 or services.”.

5 **3.** Page 23, line 20: after that line insert:

6 “(1m) If an adult expectant mother is taken into custody under s. 48.193 (1) (c)
7 or (d) 2., but if after investigation it appears that the adult expectant mother’s
8 pregnancy has not reached the stage of viability, the person who took the adult
9 expectant mother into custody as provided in sub. (1) after counseling the adult
10 expectant mother as appropriate, offering to provide appropriate services for the
11 adult expectant mother or to make arrangements for the provision of those services
12 and warning the adult expectant mother that if after viability the adult expectant
13 mother meets the grounds specified in s. 48.133, a petition may be filed under s.
14 48.133 alleging that the unborn child of the adult expectant mother is in need of
15 protection or services.”.

16 **4.** Page 25, line 8: after that line insert:

17 “(bm) If, after investigation, the intake worker determines that the pregnancy
18 of an adult expectant mother who was taken into custody under s. 48.193 (1) (c) or
19 (d) 2. has not reached the stage of viability, the intake worker shall release the adult
20 expectant mother as provided in par. (c) after counseling the adult expectant mother
21 as appropriate, offering to provide appropriate services for the adult expectant
22 mother or to make arrangements for the provision of those services and warning the
23 adult expectant mother that if after viability she meets the grounds specified in s.

1 48.133, a petition may be filed under s. 48.133 alleging that the unborn child of the
2 adult expectant mother is in need of protection or services.”.

3 **5.** Page 39, line 14: after that line insert:

4 “**SECTION 89m.** 48.24 (4m) of the statutes is created to read:

5 48.24 (4m) If the intake worker determines as a result of the intake inquiry
6 that the case of an unborn child should be closed because it appears that the
7 expectant mother’s pregnancy has not reached the stage of viability, the intake
8 worker shall close the case after counseling the expectant mother as appropriate,
9 offering to provide appropriate services for the expectant mother or to make
10 arrangements for the provision of those services and warning the expectant mother
11 that if after viability she meets the grounds specified in s. 48.133, the intake worker
12 may request that a petition be filed under s. 48.133 alleging that the unborn child
13 of the expectant mother is in need of protection or services.”.

14 **6.** Page 108, line 8: delete lines 8 to 18 and substitute:

15 “**SECTION 276d.** 48.981 (3) (c) 3. of the statutes, as affected by 1997 Wisconsin
16 Act 27, is amended to read:

17 48.981 (3) (c) 3. If the county department or, in a county having a population
18 of 500,000 or more, the department or a licensed child welfare agency under contract
19 with the department determines that a child, any member of the child’s family or the
20 child’s guardian or legal custodian is in need of services or that the expectant mother
21 of an unborn child is in need of services, the county department, department or
22 licensed child welfare agency shall offer to provide appropriate services or to make
23 arrangements for the provision of services. If the child’s parent, guardian or legal
24 custodian or the expectant mother refuses to accept the services, the county

1 department, department or licensed child welfare agency may request that a petition
2 be filed under s. 48.13 alleging that the child who is the subject of the report or any
3 other child in the home is in need of protection or services or that a petition be filed
4 under s. 48.133 alleging that the unborn child who is the subject of the report is in
5 need of protection or services. If the county department determines that an
6 expectant mother whose pregnancy has not reached the stage of viability is in need
7 of services, the county department shall counsel the expectant mother as
8 appropriate, offer to provide appropriate services for the expectant mother or to
9 make arrangements for the provision of those services and warn the expectant
10 mother that if after viability she meets the grounds specified in s. 48.133, a petition
11 may be filed under s. 48.133 alleging that the unborn child of the expectant mother
12 is in need of protection or services”.

13 **7.** Page 124, line 2: after that line insert:

14 **“SECTION 322m. Effective date.**

15 (1) This act takes effect on January 1, 1998, or on the day after publication,
16 whichever is later.”.

17 (END)